IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10500 of 2005

Between:

Y.Anthi Reddy, s/o late Raji Reddy,
r/o Jubilee Hills, Hyderabad

..... PETITIONER

AND

1 The Revenue Divisional Officer, Chevella Division, Ranga Reddy District at Attapur, Hyderabad.
2 The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3 Velamati Sashi Rekha, d/o V.T.M.Prasad,
r/o 8-3-1006, Srinagar Colony, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the first respondent in directing the petitioner to argue the appeal in Appeal No.C/2872 of 2002 even before the application for condonation of delay of 3438 days is decided, as illegal, arbitrary and without jurisdiction and consequently direct the first respondent to first dispose off the I.A. filed by third respondent to condone the delay of 3438 days before taking up the above appeal for hearing; award costs..

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondent No. 1 and 2 : GP FOR REVENUE

Counsel for the Respondent No.3: Mrs.A.Anasuya

The Court made the following :

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ORDER:

The writ petition has been filed by one Y. Anthi Reddy with a prayer to issue a writ in nature of Writ of Mandamus or any other appropriate writ or direction, declaring the action of the first respondent in directing the petitioner to argue the appeal even before the application for condonation of delay of 3438 days is decided as illegal,arbitary and without jurisdiction.

Heard the learned counsel for the petitioner and the learned counsel appearing for the third respondent.

It is not in dispute that the third respondent filed an appeal before the Revenue Divisional Officer assailing the orders passed by the Mandal Revenue Officer-second respondent. Since there was a delay of 3438 days, an application to condone the same has been filed. The grievance of the petitioner is that the first respondent without passing orders on delay condone petition, is taking up both the delay condone petition and the appeal together. Since there is a delay in filing the appeal, the delay condone petition is to be decided firstly and thereafter, in case of delay being condoned, the appeal is to be taken up for hearing.

In the result, the writ petition is disposed of with a direction to the first respondent to dispose of the condone delay application and thereafter, in case of delay being condoned, proceed with the hearing in the appeal. No order as to costs.

B.Seshasayana Reddy,J

20-07-2005

Stp

To

1 The Revenue Divisional Officer, Chevella Division, Ranga Reddy District at Attapur, Hyderabad.
2 The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3. Two CCs to G.P. for Revenue, High Court Buildings,Hyderabad.(OUT).

4) 2 CD copies

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